



Dean Boland <deanboland@gmail.com>

Information regarding destruction of evidence relevant to your clients in the Ceglia case

1 message

Dean Boland <dean@bolandlegal.com>

Wed, Nov 23, 2011 at 5:52 PM

To: mcooper@orrick.com, ralphbaxter@orrick.com

Cc: Alexander Southwell <asouthwell@gibsondunn.com>, Oren Snyder <osnyder@gibsondunn.com>

Mr. Cooper:

Please be advised that you have been seeking confirmation of the destruction of evidence relevant to the Ceglia v. Facebook and Zuckerberg case in your representation of Facebook and Zuckerberg in the ConnectU case.

Attached is the order from the ConnectU (Obtained from the online docket in the ConnectU case) case which identifies the expert who has in his possession, forensic copies of all the computers listed in the exhibits to the order. At least five of those computers that were copied are associated in that exhibit with Defendant Zuckerberg. Others in that exhibit are associated with part-owners of Defendant Facebook.

For your convenience, that expert can be reached at the following contact information:

Jeff Parmet and Associates LLC
9920 Potomac Manors Drive
Potomac, MD 20854

Phone: [301.765.9506](tel:301.765.9506)
Facsimile: [240.465.4442](tel:240.465.4442)
Email: inquiries@jeffparmet.com

I have informed Lisa Simpson from your firm to take all steps necessary to preserve this evidence and prevent Mr. Parmet or others from destroying it as it is relevant and searchable for electronic communications related to the Ceglia case. Those steps may include motions filed by your firm seeking a modification of the order in the ConnectU case to preserve that information.

I am now formally informing you of the location and type of evidence at issue and the order in the Massachusetts case that governs that electronic information. I am aware that as counsel for Defendants in this matter, you have actively sought confirmation of the destruction of evidence as recently as August, 2011.

Finally, see the attached brief from ConnectU's attorneys, obtained from the ConnectU case docket online, that outlines the use of these computers by Defendant Zuckerberg for electronic communication, specifically IMs and as a server, potentially an email server.

Your co-counsel and both of your clients were aware of this evidence at the outset of this case. Likewise, there is ample evidence Orrick urged and sought destruction of this evidence while the case against Mr. Ceglia was pending. See the attached letters obtained from the online docket of the ConnectU case.

Please advise as to whether you were aware of the ongoing case against your clients brought by Mr. Ceglia at the time you were urging confirmation that this electronic evidence had been destroyed. As an officer of the court I have a duty to bring to the court's attention any conduct that has the potential to be a fraud on the court. I, as you, take that duty seriously.

Dean Boland.

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Please note, I typically only review my emails once daily. If there is something urgent in any email, please do not hesitate to contact my office at [216-236-8080](tel:216-236-8080).

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4 attachments



Document 361-18.pdf
844K



EXHIBIT E - Letter from Orrick Lawyer seeking confirmation that evidence has been destroyed.pdf
62K



EXHIBIT F - Letter from Orrick counsel seeking confirmation that Parmet has destroyed evidence.pdf
69K



Document 355 - Memo regarding ConnectU defendants moves to preserve evidence.pdf
1162K
